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09/927,178	08/08/2001	Yuji Suzuki	81800.0163	4669

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EXAMINER	
BAKER, CHARLOTTE M	
ART UNIT	**PAPER NUMBER**
2626	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/927,178	SUZUKI, YUJI	
	Examiner	Art Unit	
	Charlotte M Baker	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *08/02/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: p. 8, par. 39, replace "In step 2" with "In step S2".

Appropriate correction is required.

Claim Objections

3. Claim 5 is objected to because of the following informalities: replace "releases" with "release". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim references a "non-sound terminal", but a description of this term is not included in the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 8-12, 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ouchi (5,675,421).

Regarding claim 1: Ouchi discloses a communication terminal (facsimile machine 100) comprising: a network control unit (NCU 7) for closing and releasing a circuit; a memory (RAM 6) for registering a communication job (col. 3, ln. 44-51); a recording unit (printer 13) for recording image data on a recording medium (col. 3, ln. 38-43); a control unit (CPU 2) which closes the circuit (telephone circuit) by the network control unit (NCU 7) to make acceptance of an incoming call impossible (col. 6, ln. 60-64) when the recording unit (printer 13) fails to operate (recording sheets not present), and which releases the circuit (telephone circuit) temporarily by the network control unit (NCU 7) in the case of calling (col. 6, ln. 64-67).

Regarding claim 2: Ouchi satisfies all the elements of claim 1. Ouchi further discloses wherein the control unit (CPU 2) makes acceptance of an incoming call impossible when the recording unit (printer 13) fails to operate and the image memory (facsimile reception memory 25) cannot store an image (col. 6, ln. 47-51 and 60-64).

Regarding claim 3: Ouchi satisfies all the elements of claim 1. Ouchi further discloses wherein after the control unit (CPU 2) makes the network control unit (NCU 7) release the circuit (telephone circuit) temporarily, the control unit (CPU 2) makes the network control unit (NCU 7) close the circuit (telephone circuit) again when the incoming call is detected (col. 6, ln. 57-59).

Regarding claim 4: Ouchi satisfies all the elements of claim 1. Ouchi further discloses wherein the control unit (CPU 2) makes the network control unit (NCU 7) close the circuit again (reception not performed) when the calling signal based on the incoming call ends in the case the

incoming call is detected (col. 6, ln. 55-59) after the control unit (CPU 2) makes the network control unit (NCU 7) release the circuit temporarily, and then a call to the other end is originated (col. 6, ln. 57-59).

Regarding claim 5: Ouchi satisfies all the elements of claim 1. Ouchi further discloses wherein after the control unit (CPU 2) makes the network control unit (NCU 7) release the circuit (telephone circuit) temporarily, the control unit (CPU 2) makes the network control unit (NCU 7) close the circuit again (col. 6, ln. 51-59) when the incoming call is detected, and makes the network control unit (NCU 7) release the circuit when a signal shows a non-sound terminal is received (col. 6, ln. 51-59).

Regarding claim 6: Ouchi satisfies all the elements of claim 1. Ouchi further discloses wherein the control unit (CPU 2) releases the circuit (telephone circuit) temporarily so that transmission can be carried out (col. 6, ln. 64-67).

Regarding claim 8: Ouchi satisfies all the elements of claim 6. Ouchi further discloses wherein the control unit (CPU 2) makes the transmission result memory (facsimile reception memory 25) store the result information of the transmission therein (col. 3, ln. 49-51).

Regarding claim 9: Ouchi satisfies all the elements of claim 8. Ouchi further discloses wherein the control unit (CPU 2) reads the result information of the transmission from the transmission result memory (facsimile reception memory 25), and makes the recording unit (printer 13) record the result information of the transmission when the recording unit becomes operable (the facsimile reception memory is a temporary storage and it is inherent that upon correction of the fault condition, the data stored in facsimile memory 25 would be recorded on printer 13).

Regarding claim 10: Ouchi satisfies all the elements of claim 1. Ouchi further discloses wherein it is impossible to register a receiving job (incoming facsimile) in the memory (facsimile reception memory 25) when the communication terminal (facsimile machine 100) is in the state in which the communication terminal (facsimile machine 100) cannot receive data from a sending side (no free memory exists, col. 6, ln. 47-56).

Regarding claim 11: Ouchi discloses a network control unit (NCU 7) for closing and releasing a circuit; a program memory (RAM 6) for registering a communication job (col. 3, ln. 44-51); a recording unit (printer 13) for recording image data on a recording medium (col. 3, ln. 38-43); a control unit (CPU 2) which closes a circuit (telephone circuit) by the network control unit (NCU 7) so that an incoming call is not accepted (col. 6, ln. 60-64) when the recording unit (printer 13) fails to operate (recording sheets not present), and releases the circuit (telephone circuit) temporarily by the network control unit (NCU 7) when the communication job registered in the program memory (RAM 6) reaches calling time (predetermined number of ringings, col. 6, ln. 26-30).

Regarding claim 12: Ouchi satisfies all the elements of claim 11. Ouchi further discloses wherein the control unit (CPU 2) causes a call to the other end (col. 6, ln. 57-59) for transmitting an image (facsimile reception) after the control unit (CPU 2) makes the network control unit (NCU 7) release the circuit (telephone circuit) temporarily (col. 6, ln. 64-67).

Regarding claim 15: Ouchi satisfies all the elements of claim 11. Ouchi further discloses wherein the control unit (CPU 2) makes acceptance of an incoming call impossible when the recording unit (printer 13) fails to operate and the image memory (facsimile reception memory 25) cannot store an image (col. 6, ln. 47-51 and 60-64).

Regarding claim 16: Ouchi satisfies all the elements of claim 1. Ouchi further discloses wherein the control unit (CPU 2) makes acceptance of the incoming call (facsimile reception) impossible when the recording unit fails to operate (col. 6, ln. 60-64).

Regarding claim 17: Ouchi satisfies all the elements of claim 11. Ouchi further discloses wherein the recording unit (printer 13) becomes non-operable when recording paper or toner runs out (image data is stored in facsimile memory 25 when there are no recording sheets, col. 7, ln. 11-13).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 7, 13-14, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi in view of Hirata (4,920,427).

Regarding claim 7: Ouchi satisfies all the elements of claim 6.

Ouchi fails to specifically address a display unit.

Hirata discloses a display unit (display unit 25) for displaying result information of the transmission (col. 4, ln. 7-9 and col. 8, ln. 64-68 through col. 9, ln. 1-4 and col. 10, ln. 9-14).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate a display unit suggested by Hirata. The display unit 25 of Hirata would be incorporated in the operation portion 9 of Ouchi in order to provide visual status to the operator.

Regarding claim 13: Ouchi satisfies all the elements of claim 11.

Ouchi fails to specifically address registering a transmission job in the program memory, but not registering a receiving job in the program memory.

Hirata discloses wherein the control unit (CPU 20) registers a transmission job (outgoing facsimile) in the program memory (RAM 13) and does not register a receiving job (facsimile reception) in the program memory (RAM 13) (col. 12, ln. 39-49).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the suggestion of Hirata to increase reliability, and operativity of the apparatus (col. 12, ln. 45-49).

Regarding claim 14: Ouchi satisfies all the elements of claim 11.

Ouchi fails to specifically address registering jobs in program memory.

Hirata discloses wherein the control unit (CPU 21) makes the program memory (RAM 13) register a transmission job and a receiving job therein (col. 5, ln. 50-59), and causes the receiving job to be carried out when the recording unit becomes operable (col. 4, ln. 39-47).

Regarding claim 19: Ouchi satisfies all the elements of claim 11.

Ouchi fails to specifically address the registered job reaching calling time in conjunction with solving the recording unit malfunction.

Hirata discloses wherein when the communication job registered in the program memory (RAM 13) is a receiving job (receiving operation), the registered job which has reached calling time is carried out after the cause for the malfunction of the recording unit is solved (col. 8, ln. 10-25).

Regarding claim 20: Ouchi satisfies all the elements of claim 11.

Ouchi fails to specifically address confirmation of a transmitted job.

Hirata discloses wherein when the communication job registered in the program memory is a transmission job (transmission operation) and the transmission job has been carried out without a problem (correctly transmitted), the communication terminal receives a receipt certificate from the receiving side (control signal sent from called facsimile, col. 11, ln. 60-67).

Regarding claim 21: Ouchi satisfies all the elements of claim 11. Arguments analogous to those stated in the rejection of claim 7 are applicable.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi in view of Kawai et al. (5,778,279).

Regarding claim 18: Ouchi satisfies all the elements of claim 11.

Ouchi fails to specifically address a photoconductive drum failure.

Kawai et al. disclose wherein on the basis of the rotating time of the photoconductive drum (col. 5, ln. 11-15), it is judged whether or not the recording unit is non-operable. The counter disclosed by Kawai et al. could be installed in the printer 13 of Ouchi and the results

would be sent to CPU 2 of Ouchi. The reception of a facsimile would then be ceased also if the photoconductive drum was found to be inoperable due to an elapsed rotating time determined by the counter. Kawai et al. further disclose that the invention may be applied to a facsimile (col. 15, ln. 58-62).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the suggestion of monitoring the rotating time of the photoconductive drum to provide a better economical approach to member replacement as taught by Kawai et al. (col. 2, ln. 24-26).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M Baker whose telephone number is (703) 306-3456. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMB

KA Williams

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER